

*13*  
*cont*  
77. (amended) The method of claim 73, wherein said polypeptide comprises at the amino terminus, amino acids 1-31 of Figure 7.

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### REMARKS

Claims 38-45, 49-55, 57-119, 121, 123-126, 128, 129, and 131-149 are pending. Applicants herewith cancel claims 49-55, 63, 87, 90, 110, 121-131, 134-135, 138, 139 and 148, without prejudice or disclaimer, amend claims 66, 76 and 77 and add new claims 150 to 193. Thus, with the entry of the above amendment, claims 38-45, 57-62, 64-86, 88, 89, 91-109, 111-119, 132-133, 136-137, 140-147, 149 and 150-193 will be active in this case. No new matter is added with the amendment and new claims. A marked-up copy of the claims showing the amendment is attached.

#### **I. INFORMATION DISCLOSURE STATEMENT**

Applicants submitted an Information Disclosure Statement on November 20, 2001. Consideration of the submitted references along with an indication of such consideration on form 1449 is respectfully requested.

#### **II. ALLOWABILITY**

Applicants thank Examiner Saoud for acknowledging that claims 38-45, 57-62, 64-86, 88, 89, 91-109, 111-119, 132, 133, 136, 137, 140-147 and 149 are allowable.

#### **III. DOUBLE PATENTING**

The Examiner states that claims 55 and 90 are duplicative. In response, applicants herewith cancel both claims. Thus, this objection is rendered moot and withdrawal thereof is respectfully requested.

**IV. REJECTIONS UNDER 35 USC § 112, FIRST PARAGRAPH**

In paragraph 7 of the Official Action, the Examiner rejects claims 63 and 87, for the asserted reason that the specification is not enabling for using a segment that comprises amino acids 32-64 of Figure 7. Applicants traverse this rejection. In further response, applicants assert that this rejection is rendered moot as these claims have been cancelled. Therefore, applicants respectfully request the Examiner to withdraw this rejection.

However, with regard to new claims 155, 163, 167, 171, 177, 181 and 190, which also recite segments, applicants explain that the specification does, in fact, provide the entire amino acid structure of the KGF polypeptide in Figure 7. Thus, the preparation of segments of this specific sequence was well within the skill of the art at the time of the invention. In addition, the claims recite functional characterizations (such as stimulating epithelial cells, mitogenic activity on BALB/MK cells, stimulation of thymidine incorporation in BALB/MK epidermal keratinocytes, etc.). Further, claims 163, 167, 171, 177, 190 recite the specific location of the truncation on the KGF polypeptide, thereby clearly setting forth particular segments of KGF. With this information actually set forth in the claims, identification of those segments encompassed by the claims would, at best, require mere routine experimentation. Accordingly, the present claims are fully enabled by the specification. Entry and allowance of the new claims is respectfully requested.

In paragraph 8 of the Official Action, the Examiner rejects claims 49-55, 110, 121, 123-126, 128-129, 131, 134-135, 138-139 and 148 under 35 USC § 112, first paragraph, for the alleged reason that the specification does not teach the acceleration or improvement of healing of a wound and provides no examples. In response, applicants traverse this rejection but also herewith cancel claims 49 and 148 and claims dependent thereon. Thus, Examiner Saoud's rejection is rendered moot and withdrawal thereof is respectfully requested.

Examiner Saoud also rejects claims 110, 121, 126 and 129 for the alleged reason that it would be undue experimentation to practice the invention in the absence of examples, including disclosure of a blocking antibody and a distinct treatment protocol. Applicants vigorously traverse this rejection for reasons previously stated on the record, but have cancelled the rejected

claims solely for the purpose of advancing the allowance of the remaining pending claims. Thus, withdrawal of this rejection is respectfully requested.

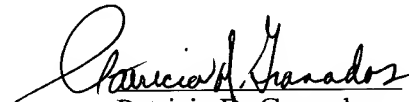
CONCLUSION

In view of the above amendment, new claims and comments, applicants assert that all of the pending claims are now in condition for allowance and an indication of allowability is respectfully awaited. The Examiner is welcome to contact the undersigned at 202-912-2142 for any reason related to this application.

Respectfully submitted,

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Date

  
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PATENT TRADEMARK OFFICE

**MARKED-UP COPY OF CLAIMS, WITH AMENDMENT**

66. (amended) The method of claim 64, wherein said polypeptide [further] comprises Met at the [N-terminus] amino terminus.

76. (amended) The method of claim 73, wherein said polypeptide [further] comprises Met at the [N-terminus] amino terminus.

77. (amended) The method of claim 73, wherein said polypeptide [further] comprises at the amino terminus, amino acids 1-31 of Figure 7.